

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

TIMOTHY B. WHITMORE,  
  
Plaintiff,  
  
v.  
  
PIERCE COUNTY DEPARTMENT OF  
COMMUNITY CORRECTIONS *et al.*,  
  
Defendants.

Case No. C05-5265RBL

ORDER ADOPTING  
REPORT AND  
RECOMMENDATION

The Court, having reviewed the defendant's motion to dismiss, the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Pierce County's motion to dismiss is **DENIED**. The delay in perfecting service is the result of the defendants silence After a county employee accepted service documents. Further, given the delay in this action the motion for a more definite statement will not be entertained on the merits. The county has ten days from the date this order is entered to file an answer.
- (3) Clerk is directed to send copies of this Order to plaintiff, defendants who have appeared, and to the Hon. J. Kelley Arnold.

DATED this 9<sup>th</sup> day of November, 2006.

  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE